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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,044	06/30/2000	Chandrasekhar Narayanaswami	13579 (YOR9-2000-0236)	1092

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Richard L. Catania
Scully Scott Murphy & Presser
400 Gardern City Plaza
Garden City, NY 11530

EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

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05/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/608,044	Applicant(s) NARAYANASWAMI, CHANDRASEKHAR	
	Examiner Erika A. Gary	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-11, 16-21, 26-31 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-11, 16-21, 26-31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 26-31 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no disclosure in the Specification for a program storage device readable by a machine.

3. Claims 26-31 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, there is no disclosure in the Specification for a program storage device readable by a machine.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-11, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Ran et al., US Patent Number 6,209,026 (hereinafter Ran) in view of Shibata et al., US Patent Number 5,835,923 (hereinafter Shibata).

Regarding claim 35, Ran discloses a system for communicating data to a user device including a wireless data receiver device for receiving wireless data communications, said system comprising: a first communications sub-system enabling a user to initiate an asynchronous request for data to be communicated to said user device, said request including a user-specified future time and location information; a server control device for receiving said data request via said first communications sub-system and, in response to said request, retrieving said requested data for said user and assembling said retrieved data in a suitable form, and for transmitting said data in said suitable form to a second communications sub-system, said second communications sub-system including a wireless data transmission channel for transmitting in turn said data in said suitable form to said user device at a specified future time and location determined according to the time and location information included in said request, wherein said user request further includes a user identification code for uniquely identifying the user's device and ensuring proper data transmission thereto, said server control device further including a mechanism for generating a personalized menu comprising user selections of types of data to be transmitted based

on said user identification code [col. 1: lines 31-46, 59-64; col. 2: lines 30-40; col. 6: lines 17-25, 42-46; col. 24: lines 6-24].

Ran does not specifically teach that the user device is a wrist watch. However, Ran does teach that the receiving device can be a phone, pager, handheld device, or another internet information receiving device. Therefore, at the time of the invention, it would have been obvious to include any portable or wearable device as the receiving means based on design choice and user preference.

Further, Ran does not specifically disclose said user device including an alarm mechanism for placing said wireless data receiver device in a receive mode of operation for receiving said wireless data communications in synchronism with user availability at said user-specified future time and location without requiring further user participation during said transmission. However, Shibata teaches this limitation [col. 21: lines 1-11].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Ran to include Shibata. The rationale for this modification would have been to adapt Ran's device to include power saving benefits to improve efficiency and battery lifespan of the device.

Regarding claim 4, Ran discloses wherein said second first communications sub-system comprises a telephone system including a telephone keypad, said user identification code comprising a sequence of one or more dual-tone multi-frequency DTMF signals entered by said user via said telephone keypad [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claim 5, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a voice transmission for presenting said personalized menu selections to said user via said telephone system [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claim 6, Ran discloses wherein said user selects a type of data to be transmitted via said telephone keypad, said server control device includes mechanism for receiving DTMF signals and interpreting said DTMF signals for association with said user menu selection [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claim 7, Ran discloses wherein said fast communications sub-system comprises a personal computing device implementing a Web browser for accessing and communicating with said server control device via Web-based communications, wherein said user identification code comprises entry of a password entry via a keyboard device entered in a Web page [col. 2: lines 18-40].

Regarding claim 8, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a Web-based communication for receipt by said user Web browser to present said personalized menu [col. 2: lines 31-53].

Regarding claim 9, Ran discloses wherein said user selects a type of data to be transmitted via a mouse device by clicking a menu choice presented on a Web page [col. 6: lines 42-45].

Regarding claim 10, Ran discloses wherein said second communications sub-system comprises a paging network [col. 6: lines 17-25].

Regarding claim 11, Ran discloses wherein said second communications sub-system comprises a Bluetooth wireless communications network [col. 2: lines 4-17].

Regarding claim 33, Ran discloses means for providing pre-determined personalized selectable menu option choices to a user for user selection at a time of making a data request, said pre-determined personalized selectable menu option choices relating to requests for receipt of data associated with two or more user applications each adapted for execution on the device, and which data is received and maintained for users as part of said associated user applications, wherein said menu options enable a user to set specific data delivery options in advance or at data request time, to specify what data needs to be sent and the user-specified time [col. 23: line 48 – col. 24: line 40].

6. Claims 16-21, 26-31, 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ran.

Regarding claims 36 and 37, Ran discloses a method for communicating data to a user device implementing a wireless data receiver device for receiving wireless data communications, a) receiving, via a first communications sub-system, an asynchronous user request for data to be communicated to said user device, said request indicating a user-specified future time and location for said requested data; b) retrieving, in response to said user request from said first communication system, said requested data for said

user and assembling said retrieved data in a suitable form; c) transmitting said data in said suitable form over a data wireless communications channel via a second communications sub-system at a future time and location specified according to the time and location information included in the request; and, d) placing said wireless data receiver device of said user device in a receive mode of operation for receiving said wireless data communications in synchronism with user availability at said user-specified future time and location without requiring further user participation during said transmission, wherein said data request includes a user identification code for uniquely identifying the user's device and ensuring proper data transmission thereto, wherein prior to said retrieving step b), the step of presenting a personalized menu to said user, said menu comprising user selections associated with types of data to be transmitted based on said user identification code [col. 1: lines 31-46, 59-64; col. 2: lines 30-40; col. 6: lines 17-25, 42-46; col. 24: lines 6-24].

Ran does not specifically teach that the user device is a wrist watch. However, Ran does teach that the receiving device can be a phone, pager, handheld device, or another internet information receiving device. Therefore, at the time of the invention, it would have been obvious to include any portable or wearable device as the receiving means based on design choice and user preference.

Regarding claims 16 and 26, Ran discloses wherein said second first communications sub-system comprises a telephone system including a telephone keypad, said user identification code comprising a sequence of one or more dual-tone

multi-frequency DTMF signals entered by said user via said telephone keypad [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 17 and 27, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a voice transmission for presenting said personalized menu selections to said user via said telephone system [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 18 and 28, Ran discloses wherein said user selects a type of data to be transmitted via said telephone keypad, said server control device includes mechanism for receiving DTMF signals and interpreting said DTMF signals for association with said user menu selection [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 19 and 29, Ran discloses wherein said fast communications sub-system comprises a personal computing device implementing a Web browser for accessing and communicating with said server control device via Web-based communications, wherein said user identification code comprises entry of a password entry via a keyboard device entered in a Web page [col. 2: lines 18-40].

Regarding claims 20 and 30, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a Web-based communication for receipt by said user Web browser to present said personalized menu [col. 2: lines 31-53].

Regarding claims 21 and 31, Ran discloses wherein said user selects a type of data to be transmitted via a mouse device by clicking a menu choice presented on a Web page [col. 6: lines 42-45].

Regarding claim 34, Ran discloses means for providing pre-determined personalized selectable menu option choices to a user for user selection at a time of making a data request, said pre-determined personalized selectable menu option choices relating to requests for receipt of data associated with two or more user applications each adapted for execution on the device, and which data is received and maintained for users as part of said associated user applications, wherein said menu options enable a user to set specific data delivery options in advance or at data request time, to specify what data needs to be sent and the user-specified time [col. 23: line 48 – col. 24: line 40].

Response to Arguments

7. Applicant's arguments filed 4/21/08 have been fully considered but they are not persuasive. Applicant argues that Ran does not teach a wrist watch device. However, the Examiner contends that this is an obvious variation as Ran teaches the data receiving device can be a number of devices with wireless or Internet capability. Applicant has reworded the claim language of the previous independent claims into the new independent claims, but they contain substantially the same limitations. As such, the Examiner maintains that the previously cited art still reads on the pending claims. Applicant argues that Ran does not teach a user identification code for identifying the

user's device to ensure data transmission thereto. However, the Examiner respectfully disagrees as Ran teaches a user ID and password used to request information to be transmitted to a user selected receiving means [col. 2: lines 41-62]. Applicant also argues that Ran does not teach a personalized menu for the user. Again, the Examiner respectfully disagrees Ran teaches customized web pages for user selections.

Applicant also argues that Ran does not teach sending data at a user specified time and location. The Examiner contends that Ran teaches this limitation in that the user can specify what times to be updated [col. 24: lines 6-10] and as broadly interpreted, the location can read on what specific device the user has requested the data to be sent to. Applicant argues the combination of Ran and Shibata. However, the Shibata reference is only used to teach an alarm mechanism for waking a device to receive requested information. The references are combinable because they both teach receiving on-demand data. It is well known in the art to wake a device at a predetermined time to receive a transmission. The Examiner maintains that the combination is reasonable to one of ordinary skill in the art.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EAG/
April 30, 2008

/Erika A. Gary/
Primary Examiner, Art Unit 2617